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6 and Zetian Systems West, Inc.

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

9 BOARD OF TRUSTEES OF THE  
10 GLAZING HEALTH AND WELFARE  
FUND;; et. al,

Case No.: 17-CV-01638-JAD-NJK

11 Plaintiffs,

12 vs.

13 Z-GLASS INC., a Nevada Corporation;  
14 ZETIAN SYSTEMS, INC., a Nevada  
Corporation; ZETIAN SYSTEMS WEST,  
15 INC., a California Corporation;  
WESTERNGLASS SYSTEMS INC., a  
16 Nevada Corporation; JOHN DOES I-XX,  
inclusive; and ROE ENTITIES I-XX,  
17 inclusive,

ECF Nos. 52, 69

18 Defendants.

19 STIPULATION AND ORDER TO DISMISS  
20 COUNTERCLAIM WITHOUT PREJUDICE

21 Defendant/ Counterclaimant Z-Glass, Inc., by and through their counsel of record,  
22 David Mincin, Esq.; and Plaintiffs Board Of Trustees Of The Glazing Health and Welfare  
23 Fund, et al., by and through their counsel of record, Wesley Smith, Esq., stipulate and agree as  
24 follows.  
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1       **Whereas** Z-Glass, Inc. filed a Counterclaim against Plaintiffs on March 5, 2018 [ECF  
2 No. 46] ("Counterclaim").

3       **Whereas** Plaintiffs filed a Motion to Dismiss the Counterclaim on March 23, 2018  
4 [ECF No. 52] ("Motion to Dismiss").

5       **Whereas** in light of the arguments stated in the Motion to Dismiss, specifically  
6 Plaintiffs citation to *Carpenters Health & Welfare Trust Fund v. Bla-Delco Constr.*, 8 F.3d  
7 1365, 1369 (9th Cir. 1993), Z-Glass, Inc. agrees that the Counterclaim should be dismissed  
8 without prejudice.

9       **It Is Hereby Stipulated** that the Counterclaim filed by Zglass, Inc. on March 5, 2018  
10 [ECF No. 46] be dismissed without prejudice.

11       **It Is Further Stipulated** The Motion to Dismiss [ECF No. 52] is hereby withdrawn,  
12 as moot, with leave to refile should the Counterclaim be reasserted.

13 SO STIPULATED

SO STIPULATED

14 DATED this 6<sup>th</sup> day of April, 2018.

DATED this 6<sup>th</sup> day of April, 2018.

15 MINCIN LAW, PLLC  
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CHRISTENSEN JAMES & MARTIN

17 By: /s/ David Mincin  
18 David Mincin, Esq.  
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22 *Attorney for Z-Glass, Inc.,*  
23 *Zetian Systems, Inc.,*  
24 *and Zetian Systems West, Inc.*

By: /s/ Wesley Smith  
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*Attorney for Board of Trustees of*  
*the Glazing Health and Welfare*  
*Fund, et al.*

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